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April 25, 2008

VIA ELECTRONIC CASE FILING SYSTEM

Maryellen Molloy
Courtroom Deputy Clerk
United States District Court
John Joseph Moakley U.S. Courthouse
I Courthouse Way
Boston, Massachusetts 02110

Re: *Drumgold v. Callahan, et al.*
United States District Court / Massachusetts
Case No.: 04-11193NG

Dear Ms. Molloy:

I understand from Attorney William White that you indicated to him on Friday, April 18, 2008 that Judge Gertner is interested in sending all parties to mediation in an attempt to resolve the remaining outstanding issue in this case. While the defendants appreciate the value of alternative dispute resolution, such as mediation, and appreciate Judge Gertner's reaching out to Magistrate Judge Sorokin to act as a mediator, the defendants are not, at the present time, in a position to agree to submit the case to mediation.

As you are aware, the Court has ordered the parties to file submissions by May 16, 2008 as to each party's view of the status of the case and the remaining issue(s) to be retried, if necessary.

The defendants would like a ruling from the Court after filing of the submissions in order to determine their position relative to mediation. Once that ruling is made, the defendants need time to assess the status of the case and the plaintiff's position in regard to the remaining issue(s) to be resolved, if any, in light of the jury verdict.

Please convey to Judge Gertner the defendants' appreciation of the offer to mediate, and that the defendants collectively will make their decision after they have had the opportunity to assess the case in light of the Court's scheduled ruling.

Roache & Associates, PC
Attorneys at Law
April 25, 2008

Thank you for your attention to this matter.

Very truly yours,
City of Boston,
Through its attorney,

/s/ John P. Roache

JPR/btb

cc.

Mary Jo Harris
William J. White, Jr.
Hugh R. Curran
Michael W. Reilly
Rosemary C. Scapicchio
Susan M. Weise